

REMARKS

Claims 1-18 are pending in the application. Claims 1, 7 and 13 stand rejected. Claims 2-6, 8-12 and 14-18 are objected to. Claims 2, 8 and 14 have been canceled and Claims 3-6, 9-12 and 15-18 have been amended by changing their dependencies.

Claim Rejections under 35 USC §102

Claims 1, 7 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by He et al. (6,328,213).

The present invention is a bar-code reader that acquires reflected light from black bars and white bars that form a bar code. The bar code reader then extracts edge data which causes a change in the signal strength from a black bar to a white bar. The bar code reader then ternarizes the edge data that is extracted and decodes bar-code characters based on the results of the ternarizing.

He et al. describes a bar code reader that processes an analog signal representing reflected light from regions of different light reflectivity. This bar code reader determines a level of blur seen and based on the determined level of blur selects a different processing technique.

Claims 1, 7 and 13 have been amended to distinguish them from He et al. Specifically, claims 1, 7 and 13 have been amended to include the features of claims 2, 8 and 14. On page 4, item 4 of the Office Action the Examiner indicated that claims 2, 8 and 14 contained allowable subject matter. Thus, independent claims 1, 7 and 13 are now in condition for allowance. Therefore, withdrawal of the rejection of claims 1, 7 and 13 under 35 U.S.C. 102(b) as being anticipated by He

et al. (6,328,213) is respectfully requested.

Claim Rejections under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 1, 7 and 13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 8, 11, 15 and 18 of copending application No. 10/761,371.

However, claims 1, 7 and 13 have been amended to overcome He et al. and it is the applicant's position that these amendments also overcome this obviousness-type double patenting rejection. Therefore, withdrawal of the rejection of claims 1, 7 and 13 under the judicially created doctrine of obviousness-type double patenting is respectfully requested.

Allowable Subject Matter

Claims 2-6, 8-12 and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1, 7 and 13 have been amended to incorporate the features of claims 2, 8 and 14. Therefore, this application is condition for allowance.

Conclusion

In view of the aforementioned amendments and accompanying remarks, claims 1, 3-7, 9-13 and 15-18, as amended, are believed to be allowable and in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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